

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.12.2018

CORAM:

THE HONOURABLE MR. JUSTICE T.RAJA

W.P.No.31063 of 2016
and
W.M.P.No.26933 of 2016

A.Aruljothi

... Petitioner

Vs

The Superintendent of Police,
Thiruvannamalai District,
Thiruvannamalai.

... Respondent

Prayer: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the Proceedings of the Respondent's herein in Na.Ka.No.H2/THA.PA.43/2015 dated 15.3.2016 and to quash the same and consequently, to direct the respondent to reinstate the petitioner as Head Constable.

For Petitioner : Mr.R.Dhinesh Kumar

For Respondent : Mr.A.Kumar,
Additional Advocate General
assisted by
Mrs.P.Rajalakshmi,
Addl. Govt. Pleader

O R D E R

This Writ Petition has been filed questioning the correctness of the Proceedings of the respondent, namely, the Superintendent of Police, Tiruvannamalai District, Tiruvannamalai, dated 15.3.2016, thereby removing the petitioner from service.

2. When the matter is called, the learned Additional Advocate General appearing for the respondent questioning the maintainability of the Writ Petition submitted that when the petitioner after aggrieved by the impugned order dated 15.03.2016 passed by the Superintendent of Police, Tirupathur, filed an appeal before the Deputy Inspector General of Police, Vellore Range, Vellore, finding no merits in the said appeal, the same was dismissed by the Deputy Inspector General of Police

in his Proceedings in C.No.B1/AP.16/004523/2016 dated 22.4.2016. The petitioner has not challenged that order of confirming his removal from service. When the petitioner again filed a Review Petition before the Director General of Police, Tamil Nadu, Chennai, finding no merits in the order of removal from service passed by the Superintendent of Police, Tirupathur which was confirmed by the Deputy Inspector General of Police, rejected the Review Petition by means of a well speaking order dated 23.7.2016. That also has not been challenged by the petitioner herein. Therefore, the present Writ Petition cannot be maintainable.

3. This Court also finds that when the order passed in appeal by the Deputy Inspector General of Police dated 22.4.2016 and the subsequent order passed by the Director General of Police dated 23.7.2016 in the Review Petition have already merged with the impugned order of removal from service dated 15.3.2016 and for the reason that the petitioner has not questioned the subsequent orders passed by the Appellate Authority and the Reviewing Authority, the present Writ Petition is not at all maintainable.

4. In the result, the Writ Petition fails and the same is accordingly dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CO)

//True copy//

Sub Assistant Registrar

tsi

To

The Superintendent of Police,
Thiruvannamalai District,
Thiruvannamalai.

+1cc to Mr.R.Dhinesh Kumar, Advocate SR.No.86171

+1cc to Government Pleader SR.No.86722

W.P.No.31063 of 2016

CNR(CO)
GMY(22/01/2019)